

PTO TODAY Online
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February 2000

Commissioner's Page

Welcome to the second edition of *PTO Today*, our new on-line magazine dedicated to keeping you informed of developments at the U.S. Patent and Trademark Office and in the intellectual property arena generally. For newcomers to this site, I hope you will find it an informative and invaluable resource. To our return "viewers" from last month, welcome back.

In last month's edition, I discussed the many ways the PTO will be impacted by the omnibus patent reform bill signed into law late last year. One of the more significant provisions in this legislation is the transition of our agency into a performance-based organization (PBO).

In the spirit of Vice President Gore's reinventing government initiatives, the PBO provisions give the PTO the flexibility and independence to operate more like a business – to be freed from the "one size fits all" rules that government agencies must operate under.

As a PBO, our agency will undoubtedly be able to operate more efficiently as we tackle the explosive growth in patent and trademark filings. Unfortunately, however, the PBO provisions did not solve our on-going budget shortfalls that result from the diversion of our fee revenue.

The PTO is one of the few fully fee-funded agencies in the federal government, but a sizable portion of our patent and trademark fees are annually withheld by appropriators and diverted to other government programs. This year, for example, we will be denied access to more than \$200 million of our patent and trademark fee revenues—about 20 percent of our total revenue.

Needless to say, this presents us with a very real budget problem that could negatively impact our services to you, our customers. The PTO already has one of the lowest overhead costs in the entire federal government, so these budget cuts will force us to cut into the bone of our operations.

For example, in light of the spike in patent filings in the last two years, we hired 1,500 new patent examiners - bringing our total examining corps to 3,200. This year, however, we will be limited to attrition hiring only, probably on the order of 360 examiners. This, of course, will likely have a negative impact on our improvements in processing time.

The budget shortfall will also affect our automation and e-commerce initiatives. For example, it will delay our plans to put all patent and trademark images - dating all the way back to 1790 - up on our Website.

In short, we are grappling with a serious budgetary problem. You can be sure that we are exploring a variety of options to remedy the situation, including the authority to access our fees that were withheld last year or a permanent legislative fix.

I encourage all of you to stay tuned to this budget situation. All users of the U.S. patent and trademark system have a stake in what happens.

Log On to PTO's Web Site on February 10 for Online Dialog With Commissioner Dickinson

On Thursday, February 10, 2000, between 1:00 p.m., and 2:00 p.m., Commissioner Dickinson will be available online to answer questions from the agency's customers and the public on issues related to the work of the PTO.

Participants will log on to PTO's Web site between 12:45 p.m. and 2:00 p.m. on February 10 and click on the home page link marked, "Online Conversation with the Commissioner," and follow the instructions. Participants have the option of joining as questioners or observers.

A Budget for All Seasons

By Clarence C. Crawford, Chief Financial Officer

[editor's note: This month the President will submit to the Congress his proposed federal budget for fiscal year 2001. We thought a primer on the federal budget cycle may bring this complex process to light. We'll keep you posted in the following months on the progress of PTO's budget.]

As certain as the seasons change, each year the federal government cycles through an elaborate process that produces a budget to guide and fund its future activities. Although at certain levels, the budget process can challenge even the most seasoned analyst with its arcane and mind-numbing detail and distinctive vocabulary, we do well to keep in mind that overall the federal budget is made up of the same elements as that of any household or small business. Simply, those elements are:

1. where income is coming from and how much will there be,
2. what items to spend this income on and in what amount, and
3. what will be accomplished by spending the specified amount on the designated activity or item.

Winter 2000

During the winter months of 2000 the PTO is working on three annual budgets simultaneously. They are:

- ***Fiscal year 2000.*** This is the current fiscal year that began on October 1, 1999. For fiscal year 2000, the PTO is authorized to spend \$880 million. These funds are being used to address the Commissioner's highest priorities, which are
enhancement of the quality of patent and trademark products and services through quality management, training, and customer outreach;
maintenance of production at 1999 performance levels; and
first year implementation of the American Inventors Protection Act of 1999 (Public Law 106-113).
- ***Fiscal year 2001.*** This fiscal year will begin on October 1, 2000. At this point in the budget process, PTO is preparing to submit its corporate plan for 2001 to the Congress for their consideration and approval later in the year.
- ***Fiscal year 2002.*** Although this fiscal year won't begin for another 18 months, the PTO is already preparing for the 2002 corporate planning process. New ways to address operations, means to keep the agency abreast of a rapidly changing and expanding economy, and activities to coordinate with other federal agencies, international counterparts, and customers and stakeholders are being planned.

Winter is a particularly important time in the budget cycle. The law requires that, by the first Monday in February, the President submit to the Congress his proposed federal budget for the next fiscal year, in this case fiscal year 2001. The White House's Office of Management and Budget (OMB) prepares the budget proposal, after receiving direction from the President and consulting with his senior advisors and officials from Cabinet departments and other agencies. As a part of the Department of Commerce, PTO works closely with OMB in the formulation of the President's budget.

The PTO is small in comparison to many other federal agencies, but it commands more than its share of budgetary attention because of its financing characteristics. Since 1993 the PTO has been financially self-sufficient, generating fee revenue from the sale of its products and services to cover all of its costs without an appropriation from taxpayer revenue. The PTO will generate more than \$1.1 billion in revenue in fiscal year 2001 and must demonstrate to the administration and, later to Congress, that PTO's plans for use of these funds will lead to greater productivity and improved level of service to the agency's customers. Thus, built into PTO's budget request are numerous quality enhancement activities such as the independent inventors program, expanded training for patent and trademark examiners, and a continuation of the prominent quality management program.

In addition, PTO's fiscal year 2001 budget includes a continuation of the programs of upgrading the agency's information technology infrastructure and implementing the provisions of the American Inventor Protection Act, signed into

law on November 29, 1999. But perhaps most importantly, the PTO budget reflects efforts to keep up with the growth in demand for intellectual property protection that has been going on for a decade, but has accelerated sharply in recent years.

It is difficult to comprehend the growth magnitudes involved here. One dramatic example illustrating this growth is the time to issue a million patents. More than 70 years passed before the first million patents were issued; throughout most of the 20th century patents were issued at the rate of one million every 20 years. On the other hand, in the 21st century the first million patents will be issued by the end of 2004 – a rate of one million every five years, four times faster than the rate prevailing in the previous century. [insert graphic]

Specifically for 2001, the PTO is forecasting utility, plant, and reissue patent applications of 335,400 and trademark applications of 363,700. If these forecasts are realized, they will mean that patent applications have increased by more than 75 percent in five years and that trademark applications have more than doubled in six years! Such growth rates have presented challenges as well as opportunities to the PTO, and will continue to do so. In particular, the agency has found it very challenging to recruit, train, and retain the large numbers of skilled science and engineering personnel necessary to handle such rapidly expanding workloads. [insert graphic]

Spring 2000

In the spring, Congressional budget review shifts into high gear. The President and the Congress decide how much to spend and tax in any one fiscal year. The President's budget is his plan for the next year, but it's just a proposal. After receiving it, Congress has its own budget process to follow. Only after the Congress passes, and the President signs the required spending bills has the government created its actual budget.

Congress first must pass a budget resolution—a framework within which the members will make their decisions about spending and taxes. It includes targets for total spending, total revenues, and the deficit, and allocations within the spending target for the two types of spending—discretionary and mandatory. Permanent laws authorize mandatory spending, which accounts for two-thirds of total federal spending, not by annual appropriations bills. It includes, for example, entitlements and interest on the national debt.

Discretionary spending, which accounts for one-third of federal spending, is what the President and Congress must decide to spend for the next year through the 13 annual appropriations bills. It includes money for such activities as the PTO, as contained in the annual bill put forward by the House and Senate's appropriations subcommittees on Commerce, Justice, State, and the Judiciary.

Currently, the law imposes a limit, or cap, through 2002 on total annual discretionary spending. Within the cap, however, the President and the Congress can, and often do, change the spending levels from year to year for the thousands of individual federal spending programs. In addition, the law requires that legislation that would raise mandatory spending or lower revenues—compared to existing law—be offset by spending cuts or revenue increases. This requirement, called “pay-as-you-go,” is designed to prevent new legislation from increasing the deficit.

Once Congress passes the budget resolution, it turns its attention to passing the 13 annual appropriations bills and, if it chooses, authorizing bills to change the laws governing mandatory spending and revenues. Congress begins by examining the President’s budget in detail. Scores of committees and subcommittees hold hearings on proposals under their jurisdiction. The budget director, Cabinet officers, and other administration officials work with Congress as it accepts some of the President’s proposals, rejects others, and changes still others. Congressional rules require that these committees and subcommittees take actions that reflect the overall budget resolution.

Throughout each spring and into the summer, PTO senior officials are busy working with the staffs of the responsible congressional committees and with OMB and the Department of Commerce, to make sure that PTO’s budget request is properly justified and that all parties thoroughly understand the agency’s program priorities and the needs of its customers. This year PTO staff will be particularly interested in making sure that PTO’s need to invest in the future is highlighted. The agency’s ability to support continued technology-driven economic growth depends critically on these investments--in new patent and trademark examiners, in process re-engineering and E-commerce, in cutting-edge information technology--and considerable effort will be spent in reinforcing this message on Capitol Hill and elsewhere.

Summer 2000

During the summer, budget emphasis shifts ahead a year as PTO prepares to submit its 2002 Corporate Plan. This year the agency will use the planning-budget process to address numerous important issues. One such issue is to improve funding authority. The PTO will request authority to access all fees collected from its customers to augment the level of service delivered to customers as well as ensure that future operational viability is not put at risk. The agency’s ability to function as a performance-based organization is predicated upon its ability to secure a stable and dependable funding course.

In addition, it is clear the PTO needs to continue and expand its re-invention efforts. The future needs of PTO’s customers cannot be met indefinitely simply by expanding human resources. In the past, the agency has made progress in adjusting its operations to meet demand while maintaining quality, but these efforts will no longer be sufficient to achieve out-year performance goals.

Undoubtedly discussions of the 2002 budget will address the return on investment to be realized from critical re-invention and automation efforts and the directions they should take.

Autumn 2000

October 1 will mark the beginning of the 2001 fiscal year. Although budget execution is performed throughout the year, no time is more important for this component of the budget process than budget initiation. Not only is the PTO involved in finalizing plans for the new fiscal year and in setting up controls and procedures, but also other agencies are looking over its shoulder as well. Once the President and Congress approve spending, the government monitors the PTO budget through OMB; through the appropriate congressional committees; and through the General Accounting Office, the auditing arm of Congress.

This oversight is designed to ensure:

- that agencies comply with legal limits on spending, and that they use budget authority only for the purposes intended;
- that programs are operating consistently with legal requirements and existing policy; and, finally,
- that programs are well managed and achieving the intended results.

Throughout the year, PTO will perform its budget execution responsibilities to ensure that its customers and the American people as a whole receive full value for the money PTO is authorized to spend. Fortunately, the PTO has a capable staff of budget analysts and managers and, in addition, its senior program management recognizes the criticality of the process and is willing to devote much essential time to it, whatever the season.

Are Biotechnology Patents Important? Yes!

By Lila Feisee, Technology Center 1600

In the early 1900s, the bulk of all patents covered bicycle-related technology. As the 20th century progressed patents covered space technology, computer technology and the area of biotechnology. Now, we are observing an ever-increasing number of patents issuing in the area of Bioinformatics.

Bioinformatics is the technology that brings together biology and chemistry into the information technology era opening the door for an ever-widening array of new discovery.

Biotechnology is one of the most research intensive and innovative industries in the global economy today. While the promise of new discovery is great, this does not come without cost. It takes hundreds of millions of dollars to bring a new pharmaceutical to the market place. Without patent protection for biotechnological research, there would be little incentive for investors to risk their

capital and many of the potential benefits of biotechnology would not come to fruition. By rewarding inventors for their discoveries for a limited time, the patent system supports innovation while, at the same time, dedicating these discoveries to the public. Thus, both the private sector and the public benefit.

Patent protection in the area of biotechnology also serves the larger economy by providing a forum that encourages both innovation and investment. It also benefits society by providing the means to reduce disease and suffering for both humans and animals. Such results promote and enhance the dignity and quality of life. Moreover, agricultural research holds the key, among other things, to providing sufficient food for the world's ever-increasing population.

Biotechnology patents allow for the dissemination of potentially valuable scientific information. The availability of the information disclosed in biotechnology patents enables others in the field of science to build on earlier discoveries. Not only can other researchers use the information in a patent, but by disclosing cutting edge scientific information, the patent system avoids expensive duplication of research efforts. It is only with the patenting of biotechnology that some companies, particularly small companies, can raise capital to bring beneficial products to the market place or fund further research. In addition, this capital provides jobs that represent an immediate public benefit independent of the technological benefits. Continuing employment opportunities represents a national resource for the future because it encourages the youth of today to become the scientists and inventors of tomorrow. Thus, the patent system not only fosters our society today, but also ensures our future ability to innovate and grow.

Innovations in biotechnology are incremental and have resulted in new areas of research and development in such areas as genomics and bioinformatics. This can be seen in such areas as the Human Genome Project and research into genes, expressed sequence tags (ESTs), polymorphisms including restriction fragment length polymorphisms (RFLPs), variable nucleotide type polymorphisms (VNTRs), and single nucleotide polymorphisms (SNPs).

Gene discovery has been a prime area of research in biotechnology, especially as it relates to the determination of the underlying basis of human disease. One specific goal of the human genome project has been to facilitate the discovery of genes that cause or contribute to human diseases. The granting of patents to genes allows inventors to obtain private sector funding for the development of methods of disease diagnosis and treatment. This additional capital obtained from private sources (such as venture capitalists) acts to supplement the increasingly limited funds available in the public sector (such as the National Institutes of Health and the National Cancer Institute). This synergism between private and public sector funding is evidenced by the nature and extent of subject matter that has been the object of patent protection.

For example, U.S. Patent 5,777,093, issued to Shiloh, Tagle, and Collins on January 12, 1999, is directed to nucleic acids encoding mutant forms of the gene that causes ataxi-telangiectasia (AT). AT is a genetic disease that affects the skin, nervous system, and immune system and is present in approximately 2 in 100,000 individuals. The cloning of this gene has allowed the development of diagnostic methods as well as screening procedures to facilitate discovery of drugs that might be valuable for the treatment of this disease.

U.S. Patent 5,888,722, issued to Costa De Beauregard et al., is directed to the gene that causes cystic fibrosis (CF). CF affects approximately 1 in 2000 live births in North America and about 1 in 20 persons are carriers of the disease. The patented subject matter resulted from worldwide research efforts. This patent, while securing intellectual property rights to some mutant forms of the CF gene, did not affect the development of diagnostic methods for screening subjects for the presence of CF related genes. This patent also demonstrates the increasing support that the patent system plays in international commerce and discovery. The international economy and its underlying support in the intellectual property arena, is facilitating cooperation between inventors. This cooperation bridges national boundaries and serves to bring together innovators from around the world. By fostering this type of interactions, cooperation between the members of the brain trust of the world is occurring at an increasing rate, and the ultimate beneficiary is the public. Inventions that serve the public good are commercially successful and benefit everyone.

Agricultural biotechnology is another area where patent protection has been and continues to be valuable incentive. The development of disease resistant plants such as cucumbers, squash, melons and pumpkins (U.S. Patent 5,514,570) is a perfect example of how the patent system promotes dissemination of information. U.S. Patent 5,780,709 claims transgenic plants that exhibit increased tolerance to drought and salt resistance. With an ever expanding human population coupled with increasingly scarce agricultural resources, agricultural innovation is an essential element of our collective futures. The patent system serves as one leg that supports continued growth in this area.

With the growth of biotechnology have come significant changes in the process of research, development, and commercialization and the emergence of entirely new areas of innovation and discovery. For example, instead of working from the sequence of a known gene, many groups are now focusing on elucidating the significance of unidentified, but uncharacterized cDNA sequences. “Data mining” provides another resource for scientists to identify potentially useful biological molecules. Scientists are also able to discover genetic links to previously untreatable illnesses. These discoveries are not only pushing back the frontiers of medicine, but also challenging conventional assumptions regarding the feasibility of treating such illnesses

In the United States, since the landmark decision of the U.S. Supreme Court in *Diamond v. Chakrabarty*, it is clear that patentable subject matter includes “anything under the sun that is made by the hand of man.” Therefore, if a product of nature is new, useful, and nonobvious, it can be patented if it has been fashioned by humans. As a result, concentrated, isolated, or purified products of nature are patentable if the resulting concentrate is the product of human intervention, and it does not occur naturally in that form. The decision in *Chakrabarty* has since paved the way for a variety of U.S. patents involving living materials, including genetically engineered plants and animals and genetic materials, including DNA fragments.

Are biotechnology patents important? The answer to this question is plainly yes. The reality is that biotechnology research provides us with great opportunities from eliminating and treating debilitating and deadly diseases to providing sufficient food for the world’s ever-increasing population. Strong and effective patent protection will encourage research and development as they have served other areas of technological developments that have emerged. New jobs, new discoveries, new therapies, better life quality, are all supported by a strong patent system. Biotechnology is part of this system.

Helpful Hints

for Biotech or Design Patent Applicants



Any paper may be hand-carried to and received by Technology Center 1600/2900’s Customer Service Center. If you are using a courier service please use the following address:

Patent and Trademark Office
Technology Center 1600/2900
Crystal Mall 1, 7th floor
1911 S. Clark St.
Arlington Va. 22201

Technology Center 1600/2900 can charge fees in house so your paper will not have to leave the Tech Center. However if you wish to pay with cash, then you must submit your correspondence to the Attorney’s Customer Service Window located in Crystal Plaza 2, Lobby level between the hours of 8:30 a.m.- midnight Monday-Friday, except on federal holidays.



The following information should be cited in the heading of your facsimile:

- ❖ Application Serial Number
- ❖ Art Unit to which the application the assigned
- ❖ Filing date of Application
- ❖ Examiner Assigned to application

- ❖ Title of the Invention
- ❖ Attorney Docket Number

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Revised Interim Written Description and Utility Examination Guidelines

*By Linda Therkorn, Office of the Deputy Assistant Commissioner
for Patent Policy and Projects*

The PTO published on December 21, 1999, two sets of revised interim examination guidelines for notice and comment. These guidelines will assist patent examiners in determining whether a patent application complies with certain requirements of the law. Previous public comments have been incorporated into these guidelines. For the full text of the revised interim written description guidelines as published in the Federal Register at 64 Fed. Reg. 71427 (1999), go to http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1999_register&docid=99-33053-filed; for the full text of the revised utility guidelines as published in the Federal Register at 64 Fed. Reg. 71440 (1999), go to http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1999_register&docid=99-33054-filed.

The revised written description guidelines are technology neutral and broadly apply to all areas of technology and to all types of claims. The revised guidelines will assist the examiner in determining whether a patent application describes the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. The revised guidelines explain that possession may be shown in a number of ways, such as:

- by actual reduction to practice of the claimed invention;
- by a clear depiction of the invention in detailed drawings which permit a person skilled in the art to clearly recognize that applicant had possession of the claimed invention; or
- by a written description of the invention describing sufficient relevant identifying characteristics such that a person skilled in the art would recognize that the inventor had possession of the claimed invention.

While a written description analysis is required in each case, the revision clearly specifies when a written description issue is most likely to arise. The revised guidelines emphasize that the examiner has the initial burden of presenting evidence or reasoning to explain why persons skilled in the art would not recognize in the original disclosure a description of the invention defined by the claims. **In the case of original claims, it is a presumed that the written description is adequate. However, the guidelines indicate that written description issues may arise as to original claims if essential or critical elements are not described and not conventional in the art.** With respect to new or amended claims, or claims seeking the benefit of an earlier priority or filing date, each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure. Each claim must include all elements that the applicant has described as being essential.

The revised utility guidelines clarify that a claimed invention must be supported either by a well established utility, or by an asserted utility that is specific, substantial, and credible. “Practical utility” and “real world benefit” are terms that the Supreme Court has used in describing the “specific” and “substantial” aspects of the utility requirement. As an example of the application of the test, if a patent application states that an expressed sequence tag may be used as a probe, but does not identify what target it would be a probe for, then the utility would not be considered specific because any nucleic acid sequence can be used as a probe. Nor would it be considered substantial because it is only a potential utility, and more information is necessary to have a real world benefit. This requirement also excludes a “throw-away” utility, such as the use of a complex invention as landfill, as a way of satisfying the utility requirement.

Examiner training materials are being developed for each set of guidelines, and the PTO plans to train examiners on the revised guidelines within the next few months. The training materials will be published on the PTO web site (www.uspto.gov).

Comments on both sets of guidelines may be submitted until March 22, 2000.

Notice: Exam for Registration to Practice Before the PTO Moved Up

The examination for attorneys and agents to register to practice before the PTO will be held on October 18, 2000, not November 1 as previously scheduled. The deadline for filing an application to take the exam is Friday, July 7, 2000.

For further information, contact the Office of Enrollment and Discipline,
By phone: 703/306-4097;
By fax: 703/306-4134; or
In person: 2221 South Clark Street

Crystal Plaza 6, Suite 1103
Arlington, Virginia.

Applications will be available after February __, 2000. The General Requirements Bulletin and application forms will also be available on the PTO's Web site.

First Trademark Application of Y2K Filed Electronically by Washington Area Woman

By Jessie Marshall, Office of the Assistant Commissioner for Trademarks

The U.S. Patent and Trademark Office received its first trademark application for 2000, filed electronically on January 1 by Lori Mares of Springfield, Virginia, for the mark THEPIANOSCHOOL. She plans to use the mark for services related to "private piano instruction." Not only is Mares' application the first and only trademark application to have been filed in the PTO on January 1, 2000, it is probably the first and only one filed in the world since national trademark offices around the world were closed for the holiday.

Although the PTO is closed on national holidays, the on-line Trademark Electronic Application System (TEAS) is available almost 24 hours a day, 7 days a week. Even the New Year's Day holiday doesn't stop the electronic trademark application filing process. But this year was different. All PTO computer systems had been shut down for the Y2K change over throughout the New Year weekend. They were activated for a few hours on Saturday, January 1, 2000, so that PTO employees could test the systems to make sure that the Y2K fixes that had been deployed were functioning properly before coming back up for business as usual on Monday morning. During the short time that the TEAS system was being tested, Mares filled out her on-line trademark application form and hit the SEND command.

Ms. Mares said that she had no intention of being the first trademark applicant of the millennium. She had lots of free time on New Years Day and took advantage of that time to do something she had been working on and intending to do for a long time--file her trademark application. "The application process couldn't have been simpler," she stated. "It took 20-25 minutes to do it!"

Lori Mares represents a group of customers that the PTO has been hoping to reach through the TEAS system - small entrepreneurs who recognize the value of having a registered trademark but who have been hesitant to get involved in the registration process. The goal of the TEAS project has been to make the process fast, easy, and accessible to anyone who wants to start the trademark registration process by submitting an application for registration. In Ms. Mares, the PTO has realized that goal. As she said, "You can register your dream in less than half an hour."

Anne Chasser, the Assistant Commissioner for Trademarks, is particularly pleased with the TEAS service provided to individuals like Lori Mares. "This is the future - it is here, it is now, it is happening," stated Ms. Chasser during her conversation with the first trademark applicant of the new millennium.
[insert photo]

Faces of PTO

Anne Chasser [insert photo]

The U.S. Senate, on November 10, 1999, unanimously confirmed Anne Chasser as assistant commissioner for trademarks.

"It is a great honor to serve this Administration," said Chasser in learning of her confirmation. "In our increasingly global and electronic economy, trademarks are becoming even more important. They are the street numbers on the information superhighway. Trademarks are critical for protecting consumers as they navigate the Internet, as well as for ensuring the Web's commercial integrity. In this environment, a good name is exceedingly valuable."

Most recently, Anne Chasser was senior advisor to Commerce secretary, William M. Daley. Before joining the department, Chasser of Columbus, Ohio, was formerly the director of trademarks and licensing services at The Ohio State University, one of the nation's largest public research universities. At the time of her nomination she was also president of the International Trademark Association, a trade association of leading trademark owners with over 3,600 members from 120 countries.

Nick Godici [insert photo]

On January 31, President Clinton nominatee Nicholas P. Godici to be assistant commissioner for patents.

"I am extremely pleased with the president's choice for this important position," noted Commissioner Dickinson. "It comes at a most opportune time. Managing the agency's explosive growth, while assuring quality products and services, is among my top priorities, and Nick Godici's tremendous experience and leadership in our patents business are tremendous assets."

"I feel very honored, as a career PTO employee, to be nominated by the president to lead the patents organization into the next century," says Godici.

The assistant commissioner of patents serves as the principal advisor to the assistant secretary and commissioner of patents and trademarks. The incumbent is responsible for directing the patent examining groups and the patent

documentation organizations, which includes international responsibilities, such as, agreements with other countries negotiated through the World Intellectual Property Organization.

Mr. Nicholas P. Godici, of Alexandria, Virginia, has over 25 years of experience in the intellectual property rights protection arena. He has been assigned the duties of the assistant commissioner where he is responsible for managing all aspects of the patent business organization, examination, search, and procedural functions. Prior to his present position, Godici served as the acting deputy assistant commissioner for patents. In addition, he has served the PTO in several other capacities including director of patent examining group, supervisory patent examiner, and patent examiner.

Clarence Crawford [insert photo]

Clarence Crawford, formerly associate director of administration at the Office of Management and Budget (OMB), became associate commissioner and chief financial officer at the PTO on November 8, 1999.

“Clarence Crawford brings to the PTO a superlative record of government service and a wide range of experience that will be helpful to the agency as we face the challenges of the years ahead,” stated Commissioner Dickinson.

Prior to coming to the PTO, Crawford was the principal advisor to the director of OMB on internal management matters, managing the agency's budget, information technology, human resources, physical and personnel security, publishing, procurement, parking, and facilities programs. He also served as the chair of the Investment Review Board, and ensured OMB's compliance with the Ethics in Government Act, Freedom of Information Act, and the Privacy Act. His experience prior to OMB includes lengthy service in a variety of positions with the General Accounting Office, the Internal Revenue Service, and the Washington, D.C., Metropolitan Police Department, where he began his career as a police officer.

Facsimile Submission of Assignment Documents is Now Available to PTO Customers

By Wes Gewehr, Administrator for Information Dissemination

The Patent and Trademark Office is now accepting fax transmissions to record an assignment or other documents affecting title. Customers submit their documents directly into the automated Patent and Trademark Assignment System and receive confirmation at their fax machine.

Fax number for the Patent and Trademark Assignment System
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The system's fax number is (703) 306-5995.
Available 24 hours a day, 7 days a week.

Fax transmission significantly reduces the time and costs associated with preparing, processing, and mailing assignment documents in paper. Automatic confirmation of fax transmission and receipt in the PTO eliminates the need to make follow-up calls inquiring about the status or location of documents. Because receipt is not dependent on the U.S. Postal Service or overnight delivery services, the receipt and recordation date is more certain.

Documents that may be faxed

Any document with: (1) an identified application, patent, or trademark registration number; (2) one cover sheet to record a single type of transaction; and (3) the fee paid by a PTO Deposit Account. An accurate and complete cover sheet is key because it is the source of the bibliographic data the Assignment Division enters into PTO records.

Documents or transactions that cannot be faxed

1. Assignments submitted concurrent with newly filed patent applications must continue to be sent to the Office of Initial Patent Examination with the application.
2. Documents submitted in accordance with the Trademark Law Treaty where an application or registration number is not identified.
3. Documents with two or more cover sheets; e.g., a single document with one cover sheet to record an assignment, and a second cover sheet to record separately a license relating to the same property.
4. Requests for corrections to documents recorded previously.
5. Requests for "at cost" recordation services.
6. Documents with payment by credit card.

Receipt Date

The date of receipt accorded to an assignment document sent to the PTO by facsimile transmission is the date the complete transmission is received by the Patent and Trademark Assignment System. If the transmission is completed after 12:00 midnight Eastern Time, the receipt date accorded will be the next business day. If a document is received over the weekend or on a Federal holiday, the receipt date will be the next business day. The benefits of a certificate of transmission under 37 CFR 1.8 are available to the customer.

Equipment

No specific make or model of fax machine is needed. However, the customer's fax machine must be connected to a dedicated telephone line because recordation notices will be returned automatically to the sending fax number through the PTO's automated patent and trademark assignment system. Fax machines associated with PBX lines or on shared lines are not acceptable because a person will answer the line, thus causing delivery to fail.

The system will attempt to send the recordation notice for 24 hours. If the system is unable to complete the transmission, the notice will be printed and returned by U.S. Postal Service first class mail.

Recorded documents will not be returned with the "Notice of Recordation." Since 1995 all recorded documents submitted by customers have not been stamped or otherwise identified as recorded. Our automated system assigns the reel and frame numbers and superimposes recordation stampings on the electronic images we process and store. Once a document has been scanned into the automated system, it has served its purpose. That's one of the reasons the PTO has preferred to receive copies rather than original documents.

If a document is determined not to be recordable, the entire document, with its associated cover sheet, and the PTO "Notice of Non-Recordation" will be transmitted via fax back to the customer. Once corrections are made, the initial submission, as amended, may then be resubmitted by fax. Timely resubmission will provide customers with the benefit of the initial receipt date as the PTO recordation date in accordance with 37 CFR 3.51.

Copies

Copies of all recorded documents, either certified or uncertified, are available upon payment of the appropriate fee from the Document Services Division, Office of Public Records. These copies will have the reel and frame numbers and recordation stampings, which were electronically superimposed on the recorded images.

Need help?

Assignment Division staff are available to assist customers Monday through Friday from 8:30 a.m. to 5:00 p.m., Eastern Time. The number is (703) 308-9723.

PTO Exhibits at National Conferences

Stop by and Say Hello

If you plan on attending the BIO 2000 conference in Boston this spring, please stop by the PTO exhibit booth. PTO staff will be there to answer questions and

give out latest information. The exhibit hall is open Monday, March 27, through Wednesday, March 29, in the Hynes Convention Center.

PTO staff will also have a booth at the International Trademark Association's annual meeting in Denver, April 30 through May 3. Exhibits will be set up in the Colorado Convention Center.

Financial Services Available Over the Internet

By Matthew Lee, Office of Finance

The U.S. Patent and Trademark Office upgraded its Revenue Accounting and Management (RAM) system in December 1999 to provide customers with added convenience and enhanced financial services. The upgrade is part of the PTO's long-term strategy to modernize financial management practices and procedures, to provide increased options for paying required fees, and to provide improved service to PTO's customers.

The RAM system uses a secure environment and allows customers to do the following transactions over the Internet through the PTO Web site at www.uspto.gov.

- Replenish deposit account balances using a credit card;
- View deposit account information including holder name, address, and current balance;
- Request a deposit account statement;
- Add, change, or delete deposit account authorized users;
- Request a form to change entity status;
- Pay maintenance fees using a credit card; and
- View 3 ½, 7 ½, and 11 ½ year payment window dates for maintenance fees.

PTO currently accepts any of the following credit cards: American Express, Discover Card, MasterCard, or Visa.

Customers using either the Netscape Navigator (Version 2.0 or higher) or Microsoft Internet Explorer (Version 3.0 or higher) browser can access the enhanced financial services features. The browser must be properly configured to use Secure Sockets Layer technology that encrypts data traveling between your browser and the PTO server to protect your privacy.

PTO will provide to current deposit account holders, in their monthly statements, passwords and access codes to replenish deposit account balances using a credit card; to view deposit account information including holder name, address, and current balance; and, to request a deposit account statement.

Questions regarding deposit accounts should be directed to Karen Parish at 703/305-4636. Questions regarding patent maintenance fees should be directed to the Maintenance Fee Branch at 703/308-5068 or 703/308-5069.

From the Editor

Thank you for all your kind remarks about our first issue of PTO TODAY online. We're so pleased that you found it "informative" and "easy to read." Keep your comments and suggestions coming... I don't even mind you pointing out my typos.

If you would like to receive the quarterly print version of PTO TODAY, that will begin this spring, please send the editor your name and address,

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By fax: 703/308-5258,
By phone: 703/305-8341, or
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